



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,250	07/05/2000	Barry Cavill	LE9-00-043	4231

21972 7590 11/28/2003

LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
740 WEST NEW CIRCLE ROAD  
BLDG. 082-1  
LEXINGTON, KY 40550-0999

EXAMINER

LEE, TOMMY D

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 11/28/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/610,250

Applicant(s)

CAVILL ET AL.

Examiner

Thomas D. Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on September 4, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,552,743 (Rissman).

Regarding claim 16, Rissman teaches a photoprinter comprising: an input member for receiving one or more digital photographs recorded on computer readable memory associated with an external digital camera (column 4, lines 20-40; note use of memory card (column 4, lines 31-34)); an image processing system for generating an image corresponding to each digital photograph (processor 50; read column 6, lines 8-13); a user interface affixed to the printing apparatus (user interface 34; read column 32-35); and a print control system capable of calculating a pixel pattern to be printed on a printable medium corresponding to at least one of the digital photographs and printing

digital files, the calculating and printing being independent of an external host device (processor, which is within printer 10 (Fig. 4), converts frames of digital image data from camera interface into a file format; read column 6, lines 14-21).

The image processing system further comprises the ability to independently enhance one or more images (user may edit and manipulate electronic image (column 5, lines 32-40). While it is not clear whether one or more images on a same page may be independently enhanced, such a feature is well known in the art. For example, it is well known to touch-up a particular area of a digital image. Such would be an obvious modification of the editing feature taught by Rissman, for it minimizes the amount of editing required when only a particular area of the image needs enhancement.

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissman in view of U.S. Patent 6,504,960 (Takahashi). Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissman as applied to claim 16 above and further in view of Takahashi.

Regarding claims 14, 15, 17 and 18, Rissman teaches a photoprinter comprising: an input member for receiving one or more digital photographs recorded on computer readable memory associated with an external digital camera (column 4, lines 20-40; note use of memory card (column 4, lines 31-34)); an image processing system for generating an image corresponding to each digital photograph (processor 50; read column 6, lines 8-13); a user interface affixed to the printing apparatus (user interface 34; read column 32-35); and a print control system capable of calculating a pixel pattern to be printed on a printable medium corresponding to at least one of the digital

photographs and printing digital files, the calculating and printing being independent of an external host device (processor, which is within printer 10 (Fig. 4), converts frames of digital image data from camera interface into a file format; read column 6, lines 14-21).

Rissman does not teach the image processing system comprising the ability to store settings and user selections on a removable storage memory media, or the image processing system further comprising template definition and printing. Takahashi provides for selection of one of plural layout templates as layout information for the printing of images from a digital camera at a printer (column 4, line 57 – column 5, line 5). Takahashi further provides for the storage, in a detachably mounted memory card, of print formats to be set in the printer together with image data (column 5, lines 11-20). By providing detachable means for storing the print formats, the burden of print format setting at the printing operation can be alleviated. And by providing for the selection of a layout template, a user can manage the layout of images to suit his or her preferences. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Rissman by providing detachable storage of print formats and selection of layout templates, as taught by Takahashi.

Regarding claims 19 and 20, the template definition taught by Takahashi comprises one or more items selected from the group consisting of photo images, background art, images and text selections; and further comprises the position, size and physical characteristics corresponding to items (column 5, lines 55-65).

Regarding claim 21, Rissman teaches automatic enhancement upon selection through the user interface (column 5, lines 32-35). Independent selection of one or

more images from each other would have been an obvious modification, as set forth above (note rejection of claim 16 above).

***Allowable Subject Matter***

5. Claims 1-13 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to teach or suggest a user interface capable of being expanded from a first level of functionality to a second level of functionality in relation to initiating interaction with computer readable memory comprising executable instructions, and capable of being reduced from the second level to the first level in relation to ceasing interaction with the computer readable medium, as recited in base claims 1 and 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Thomas D. Lee

Application/Control Number: 09/610,250

Page 6

Art Unit: 2624

Primary Examiner  
Art Unit 2624

tdl

November 26, 2003